

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

PAUL LUCERO,

Plaintiff,

vs.

Civ. No. 09-744 JAP/RHS

MCKINLEY COUNTY, a Municipal Entity  
Organized Under the Laws of the State of  
New Mexico and its subsidiary the McKinley  
County Detention Center, SERGEANT JONES,  
an employee of the McKinley County  
Detention Center, Individually and in Defendant's  
official capacity, DONNA GOODRICH,  
Warden/Director of the McKinley County  
Detention Center, Individually and in  
Defendant's Official Capacity,

Defendants.

**ORDER DENYING PLAINTIFF'S SECOND  
MOTION TO COMPEL**

**THIS MATTER** comes before the Court on Plaintiff's Second Motion to Compel [docket no. 29]. The Court has now considered the Motion together with Defendants' Response thereto (docket no. 30) and concludes that the Motion is not well-taken and should not be granted.

Plaintiff filed his First Motion to Compel on December 28, 2009, between the Christmas and New Year's holidays. Defendants attempted to reach counsel for Plaintiff on December 23, 2009, to discuss correspondence relative to a supplementation of their discovery responses but could not reach Plaintiff's counsel and thereafter the motion was filed. On January 25, 2010, counsel for the Defendants provided Plaintiff's counsel with supplementation as requested,

however, names of certain inmates were redacted. After a telephone conference between counsel, the Defendants agreed to provide Plaintiff with an unredacted list of inmates held at the Detention Center if counsel for Plaintiff would agree to a confidentiality order regarding this information. Counsel for Plaintiff apparently denies having subsequently received a form of confidentiality order. Counsel for Defendants advises the Court that counsel for Plaintiff indicated he would withdraw this Motion to Compel as soon as he had received a stipulated confidentiality order and the information sought. This Court is unable to sort out any of the agreements reached by and between the parties, however, it is clear that Defendants have now supplemented their responses in a manner which provides full and complete answers and responses to the interrogatories and requests for production which are the subject of the Motion.

**IT IS THEREFORE ORDERED** that Plaintiff's Second Motion to Compel [docket no. 29] is hereby denied and each party shall bear and pay their respective attorney's fees and costs.

Robert Hayes Scott  
ROBERT HAYES SCOTT  
UNITED STATES MAGISTRATE JUDGE